



Legal Briefs

From the Fort Knox Legal Assistance Office

Lost Personal Data of Bank of America Government Travel Card Holders

Information Compiled from DA Sources

In late December 2004 the Bank of America suffered the loss of computer data tapes. These tapes contained government travel card account numbers for 1.1 million Department of Defense Bank of America government travel cardholders (military and civilian; all Services; active and reserve components; open and closed accounts). The tapes also contained personal information (names, Social Security account numbers, and addresses) for 933,000 of these 1.1 million accounts. Bank of America began mailing letters to cardholders on 25 February 2005.

The U.S. Secret Service has jurisdiction over investigations into credit card fraud. They were notified as soon as the loss was discovered. Their investigation is ongoing. To date, neither law enforcement agencies nor the Bank of America has detected any suspicious activity connected with the lost data.

DoD cardholders who receive a letter from the Bank of America describing the loss of the tapes need to understand that their personal information was on the missing tapes. These DoD cardholders should be especially vigilant for any signs that other people may have attempted to exploit their personal information. This includes frequently checking all pre-existing accounts, not just the Bank of America account, while also remaining watchful for any signs that someone may have opened a new account in their name without their knowledge.

DoD cardholders who receive notification letters should consider placing a fraud alert on their credit files. (A fraud alert stays on a credit file for 90 days and tells creditors to contact the cardholder before the creditor opens any new accounts or changes existing accounts.) To place a fraud alert, cardholders can call any one of the three major credit bureaus (Equifax, 800-525-6285; Experian, 888-397-3742; TransUnionCorp, 800-680-7289). As soon as one credit bureau confirms a fraud alert, it notifies the other credit bureaus. All three credit bureaus will then send credit reports to the cardholders, free of charge, for their review. Individuals should weigh this benefit against some of the negative aspects associated with a fraud alert. Fraud alerts add additional steps and in many cases delays in obtaining credit and receiving approval for credit. It also adds extra layers of paperwork in obtaining credit. Notified cardholders should regularly review, for at least eighteen months, the credit reports for any suspicious activity (such as unexplained new accounts).

If a cardholder detects fraudulent activity on any personal accounts or their government travel card, he or she should contact the card issuer (or Bank of America for the government travel card) immediately. If a cardholder detects any other suspicious activity or has reason to believe his or her personal information is being misused, the cardholder should contact local law enforcement and the local Secret Service field office. The cardholder should get a copy of the police report because many creditors will want the information the report contains to absolve cardholders of fraudulent debts. A cardholder who detects suspicious activity should also file a complaint with the FTC at www.consumer.gov/idtheft or at 1-877-ID-THEFT (438-4338). Such complaints will be added to the FTC's Identity Theft Data Clearinghouse, where it will be accessible to law enforcers for their investigations.

Bank of America has established a dedicated toll free telephone number (1-800-493-8444) for questions or concerns connected with this loss of data. And on 25 February 2005, DoD and Service Agency Component Program Managers were provided with a list of names, by command, of the affected cardholders.

Even if cardholders do not find any suspicious activity on their initial credit reports, the Federal Trade Commission recommends that all consumers check their credit reports periodically. Checking credit reports periodically can help spot problems and address them quickly. Individuals are entitled to obtain one credit report free

of charge per year. This report can be obtained by contacting any one of the three credit reporting agencies mentioned above.

General information is available at http://www.consumer.gov/idtheft/consumertopics_bk.html and more specific information can be found at www.defenselink.mil/home/images/misc/updated_BoA_QnA.pdf.

If you have any questions concerning these matters, please call the Legal Assistance Office for an appointment at (502) 624-2771 or visit our website at www.knox.army.mil/center/sja/. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Knox Legal Assistance Office is located in Building 1310, Pike Hall at the corner of Knox and Third Street.
